

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert E. Richard et al.
 Application No.: 10/632,008
 Date Filed: 07/31/2003
 Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICES CONTAINING SILICONE COPOLYMER FOR CONTROLLED DELIVERY OF THERAPEUTIC AGENTS
 Group Art Unit: 3763
 Atty. Docket No.: 02-263

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop DD
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

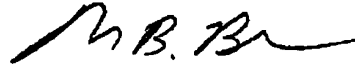
FEES

- IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
 - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
 - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
 - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c): (check one box)
- before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
 - b. ☐ See the statement below. No fee is required.
- VI. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):
- on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
 - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☐ STATEMENT UNDER 37 C.F.R. §1.97(e) (check only one box, if applicable)
- The undersigned hereby states that
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
 - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
 - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. PAYMENT OF FEES
- ☐ A check in the amount of _____ is enclosed for the above-identified fee(s).
 - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
 - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
 - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,



David B. Bonham
Attorney for Applicant(s)
Reg. No. 34,297
Tel.: 703-433-0510
FAX: 703-433-2362

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Enclosures:

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PTO/SB/08
References
Foreign Search Report
Other:

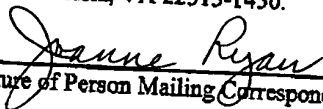
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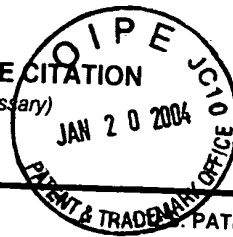
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Joanne Ryan
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INFORMATION DISCLOSURE CITATION
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ATTY DOCKET NO.
02-263

SERIAL NO
10/632,008

Robert E. Richard et al.

FILING
07/31/2003

GROUP
3763

PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	2002/0107330	8/8/2002	Pinchuk et al.	525	242	
	2.	2002/0045706	4/18/2002	Houston et al.	525	100	
	3.	2001/0024661	9/27/2001	Modak et al.	424	486	
	4.	6,335,029 B1	1/1/2002	Kamath et al.	424	423	
	5.	6,280,411 B1	8/28/2001	Lennox	604	103.05	
	6.	6,102,898	8/15/2000	Khan et al.	604	265	
	7.	6,099,562	8/8/2000	Ding et al.	623	1.46	
	8.	5,954,706	9/21/99	Sahatjian	604	509	
	9.	5,879,697	3/9/99	Ding et al.	424	422	
	10.	5,856,367	1/5/99	Barrows et al.	521	64	
	11.	5,772,640	6/30/98	Modak et al.	604	265	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

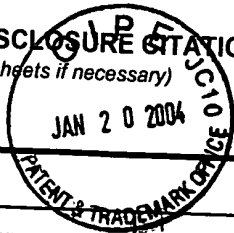
	1.	Salamone, Joseph C., ed., <i>Concise Polymeric Materials Encyclopedia</i> (Boca Raton, FL: CRC Press, 1999), pp. 812-814.
	2.	Reference: Polymer Properties. http://www.sigmaaldrich.com/img/assets/3900/Thermal_Transitions_of_Homopolymers.pdf

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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3763

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12.	5,741,331	4/21/98	Pinchuk	623	11	
	13.	5,733,925	3/31/98	Kunzet al.	514	449	
	14.	5,716,981	2/10/98	Hunter et al.	514	449	
	15.	5,616,608	4/1/97	Kinsella et al.	514	449	
	16.	5,304,121	4/19/94	Sahatjian	604	53	
	17.	5,258,020	11/2/93	Froix	623	1	
	18.	4,946,899	8/7/90	Kennedy et al.	525	244	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	3.	The Glass Transition. http://www.psrm.usm.edu/macrog/tg.htm .
	4.	L. H. Sperling, <i>Polymeric Component Materials: An Introduction</i> (New York: John Wiley), pp. 284-285.

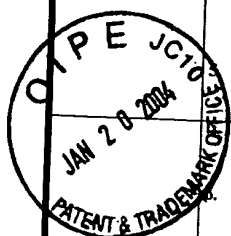
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Docket Number (Optional) 02-263	Application Number 10/532,008
Applicant(s) Robert E. Richard et al.	
Filing Date 07/31/2003	Group Art Unit 3763



*EXAMINER
INITIAL

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

James F. Beecher et al., "Morphology and Mechanical Behavior of Block Polymers," *Journal of Polymer Science, Part C*, No. 26 (1969), pp. 117-134.

Chapter 4, Diblock and Triblock Copolymers, pp. 141-151.

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Kohtaro Kimishima et al., "Control of Self-Assembled Structures in Binary Mixtures of A-B Diblock Copolymer and A-C Diblock Copolymer by Changing the Interaction Between B and C Block Chains," *Macromolecules*, 32 (1999), pp. 2585-2596.

8.

Richard J. Spontak et al., "Phase Behavior of Ordered Diblock Copolymer Blends: Effect of Compositional Heterogeneity," *Macromolecules*, 29 (1996), pp. 4494-4507.

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Hong G. Jeon et al., "Microphase and Macrophase Transitions in Binary Blends of Diblock Copolymers," *Macromolecules*, 32 (1999), pp. 1803-1808.

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Steven K. Pollack et al., "Siloxane/Styrene Copolymers via Nitroxide-Mediated Radical Polymerization," *ACS Polymer Preprints*, 40 (2), pp. 370-371 (1999).

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Silicones. <http://www.psrc.usm.edu/macrog/silicone.htm>.

13.

Richard G. Jones et al., "A Convenient Route to Poly(methylphenylsilane)-Graft-Polystyrene Copolymers," *Macromol. Chem. Phys.*, 198 (1997), pp. 3571-3579.

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